



SwordPen
sharp stories for keen kids

MEMO ENDORSED

July 28, 2008

Via DHL

Honorable Kenneth M. Karas
United States District Judge
United States Courthouse
300 Quarropas Street, Chambers 533
White Plains, NY 10601

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Re: SwordPen.Com vs. Henry Holt and Co.
(07 Civ. 10955)

Dear Judge Karas:

We thank the Court for allowing plaintiff until August 1, 2008 to find replacement counsel. At present we are still experiencing the same hurdle as before. We are being told that the suit has excellent merit, but the firms we approach regrettably state that they cannot work on contingency. They understand that Holt's deep pockets and their ability to hire legal defense teams, such as the offices of Davis Wright Tremaine, means that they will be fighting an expensive battle that could wind up costing hundreds of thousands of dollars in legal fees and expenses (an amount that could easily exceed eventual damages). Wolf Block told me that they spent approximately \$20,000.00 in billing time merely in initial correspondence with Ms. Frost. And just look at what Exxon's attorneys recently did to Tremaine in the Valdez case.

With the understanding that an individual cannot practice pro se in defense of a corporation, I would humbly request permission to either amend or re-file this case as an individual and then proceed pro se. Or if possible I would merely like to state (hence the notary) that Zev Lewinson owns 100% of SwordPen.Com and the manuscript *What Do You Call It*. That being the case, perhaps the Court would be amenable to continuing this case with my stating that SwordPen.Com (100% owned by Lewinson) gives full permission to Lewinson to proceed on their behalf. If that is legal then the Court will so advise and if that does not work, then I will go through whatever procedures necessary to continue this case pro se. I therefore request that in the interim the Court allow Mr. Balin to respond to the pro se submission. This will save the Court time while I re-file this case as an individual (as necessary).



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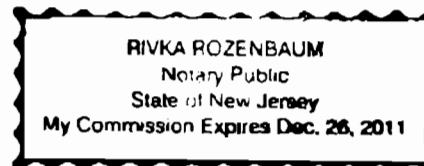
With respect to Mr. Balin I did understand (and appreciate) his letter citing *Grace vs. Bank Leumi*. I merely thought that the actual case had not yet begun since Mr. Balin filed to dismiss. That is why I proceeded to write a response to Your Honor even as I continued to search for new counsel. Again, with Your Honor's permission and instruction I will go through whatever procedures necessary to continue this case pro se and therefore request to allow Mr. Balin to respond to the pro se submission.

Very Respectfully,

Zev Lewinson
CEO SwordPen.Com

7-28-2008:

CC: Robert Balin Esq.
Davis Wright Tremaine
Via fax and DHL



Plaintiff make seek leave to amend the complaint
by September 5, 2008.

So Ordered

8/4/08